

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

CASTELLINI COMPANY, LLC	)	CASE NO. 2:06-cv-11064-PDB-DAS
	)	
Plaintiff,	)	JUDGE PAUL D. BORMAN
	)	
v.	)	
	)	
NUCCIO & SONS SALES, INC., et al.	)	
	)	
Defendants.	)	

**STIPULATED JUDGMENT**

1. Defendants Nuccio & Sons Sales, Inc., Antonio Nuccio, Jr. and Nicasio Nuccio (“Defendants”) are commission merchants, dealers and/or brokers of perishable agricultural commodities, making them subject to the Perishable Agricultural Commodities Act of 1930 (“PACA”), as Amended, 7 U.S.C. § 499 *et seq.* and the Code of Federal Regulations promulgated thereunder.

2. In 2005 and 2006, Plaintiff Castellini Company, LLC sold on credit and delivered to Defendants perishable agricultural commodities with a principal sum of \$66,317.51, for which Defendants have accepted but refused to pay.

3. Plaintiff, who held a valid PACA license at the time of the above sales transactions, properly preserved its PACA trust rights in accordance with PACA by including the statutory trust language set forth in 7 U.S.C. § 499e(c)(4) on each invoice delivered to Defendants.

4. The parties settled their claims pursuant to a Settlement Agreement agreed to by all parties, whereby Defendants acknowledged that Plaintiff held valid PACA claims against Defendants, and Defendants agreed to pay Plaintiff for these valid PACA

claims.

5. Defendants are in default on the payments under the Settlement Agreement, making judgment in favor of Plaintiff appropriate as set forth below.

WHEREFORE, judgment is rendered against Defendants, and in favor of Plaintiff, as follows:

a) Judgment in favor of Plaintiff on its claim for the principal amount of \$66,317.51, plus prejudgment interest in the amount of \$ 1,277,19, and attorney fees in the amount of \$ 2,442,33;

b) This judgment is for valid claims arising under PACA, and shall be non-dischargeable in any subsequent bankruptcy proceeding;

c) Defendants shall be responsible for the costs of this action; and

d) Post-judgment interest shall accrue at the federal statutory rate.

There is no just reason for delay.

**IT IS SO ORDERED.**

3/27/06  
Date

s/ Paul D. Borman  
THE HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Devin J. Oddo  
Devin J. Oddo, Counsel for Plaintiff  
Defendants

/s/ Nicholas J. Bachand  
Nicholas J. Bachand, Counsel for